

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cassandra Hope Bennett,

Case No. 24-CV-3244 (NEB/TNL)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Minnesota Department of Corrections and
Paul Schnell,

Defendants.

On August 20, 2024, this Court ordered Plaintiff Cassandra Hope Bennett to pay an initial partial filing fee of at least \$57.47. [See ECF No. 3 at 2.] The Court gave Bennett 21 days—that is, until September 10, 2024—to pay the fee, failing which the Court would recommend dismissing this matter without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). [See *id.* at 2–3.] Bennett has not submitted the required fee. The Court thus recommends dismissing this action without prejudice for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”). Given this recommendation, the Court further recommends denying as moot Bennett’s Application to Proceed in District Court Without Pre-paying Fees or Costs [ECF No. 2].

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. This action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
2. Plaintiff Cassandra Hope Bennett's Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 2] be **DENIED** as moot.

Dated: September 17, 2024

s/ Tony N. Leung

Tony N. Leung
United States Magistrate Judge

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Case No. 24-CV-3244 (NEB/TNL)

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).